

**U.S. District Court
District of Columbia (Washington, DC)
CIVIL DOCKET FOR CASE #: 1:18-cv-02424-DLF**

AMERICAN OVERSIGHT v. OFFICE OF MANAGEMENT
AND BUDGET

Assigned to: Judge Dabney L. Friedrich
Cause: 05:552 Freedom of Information Act

Date Filed: 10/23/2018

Jury Demand: None

Nature of Suit: 895 Freedom of
Information Act

Jurisdiction: U.S. Government Defendant

Plaintiff

AMERICAN OVERSIGHT

represented by **Cerissa Cafasso**
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TERMINATED: 10/23/2019
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V.

Defendant

**OFFICE OF MANAGEMENT AND
BUDGET**

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TERMINATED: 03/23/2020
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Date Filed	#	Docket Text
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10/23/2018	<u>1</u>	COMPLAINT against OFFICE OF MANAGEMENT AND BUDGET (Filing fee \$ 400 receipt number 0090-5753933) filed by AMERICAN OVERSIGHT. (Attachments: # <u>1</u> Civil Cover Sheet, # <u>2</u> Summons, # <u>3</u> Summons, # <u>4</u> Summons)(Cafasso, Cerissa) (Entered: 10/23/2018)
10/23/2018	<u>2</u>	LCvR 26.1 CERTIFICATE OF DISCLOSURE of Corporate Affiliations and Financial Interests by AMERICAN OVERSIGHT (Cafasso, Cerissa) (Entered: 10/23/2018)
10/25/2018		Case Assigned to Judge Dabney L. Friedrich. (zjd) (Entered: 10/25/2018)
10/25/2018	<u>3</u>	SUMMONS (3) Issued Electronically as to OFFICE OF MANAGEMENT AND BUDGET, U.S. Attorney and U.S. Attorney General. (Attachment: # <u>1</u> Notice and Consent)(zjd) (Entered: 10/25/2018)
11/15/2018	<u>4</u>	RETURN OF SERVICE/AFFIDAVIT of Summons and Complaint Executed as to the United States Attorney. Date of Service Upon United States Attorney on 10/25/2018. (Answer due for ALL FEDERAL DEFENDANTS by 11/24/2018.), RETURN OF SERVICE/AFFIDAVIT of Summons and Complaint Executed on United States Attorney General. Date of Service Upon United States Attorney General 10/31/2018., RETURN OF SERVICE/AFFIDAVIT of Summons and Complaint Executed. OFFICE OF MANAGEMENT AND BUDGET served on 10/31/2018 (Cafasso, Cerissa) (Entered: 11/15/2018)
11/16/2018	<u>5</u>	NOTICE of Appearance by Peter T. Wechsler on behalf of OFFICE OF MANAGEMENT AND BUDGET (Wechsler, Peter) (Entered: 11/16/2018)
11/16/2018	<u>6</u>	Unopposed MOTION for Extension of Time to File Answer by OFFICE OF MANAGEMENT AND BUDGET (Attachments: # <u>1</u> Text of Proposed Order)(Wechsler, Peter) (Entered: 11/16/2018)
11/20/2018		MINUTE ORDER. Upon consideration of the defendant's <u>6</u> Motion for Extension of Time, which is unopposed, it is ORDERED that the motion is GRANTED. The defendant shall respond to the complaint on or before December 10, 2018. Signed by Judge Dabney L. Friedrich on November 20, 2018. (JK) (Entered: 11/20/2018)
12/07/2018	<u>7</u>	ANSWER to Complaint by OFFICE OF MANAGEMENT AND BUDGET.(Wechsler, Peter) (Entered: 12/07/2018)
12/11/2018		MINUTE ORDER requiring the parties to MEET AND CONFER and file a joint status report proposing a schedule for further proceedings. The status report should address the status of the plaintiff's FOIA request, including the anticipated number of documents responsive to the request and the anticipated date(s) for release of the requested documents. The parties shall file the joint status report on or before January 4, 2018. Signed by Judge Dabney L. Friedrich on December 11, 2018. (JK) (Entered: 12/11/2018)
12/26/2018	<u>8</u>	MOTION to Stay by OFFICE OF MANAGEMENT AND BUDGET (Attachments: # <u>1</u> Text of Proposed Order)(Wechsler, Peter) (Entered: 12/26/2018)
12/27/2018		MINUTE ORDER granting the defendant's <u>8</u> Motion for Stay of the Deadline for the Parties to Submit a Joint Status Report in Light of Lapse of Appropriations. Accordingly, it is ORDERED that this case is STAYED until Congress has restored appropriations to the Department of Justice. It is further ORDERED that the defendants shall promptly notify the Court as soon as appropriations are restored, and at that time the parties shall file a joint status report proposing a schedule for further proceedings. Signed by Judge Dabney L. Friedrich on December 27, 2018. (JK) (Entered: 12/27/2018)
12/27/2018		Case Stayed. (jl) (Entered: 12/28/2018)
01/28/2019	<u>9</u>	NOTICE of restoration of appropriations by OFFICE OF MANAGEMENT AND BUDGET (Wechsler, Peter) (Entered: 01/28/2019)
02/04/2019	<u>10</u>	Joint STATUS REPORT by AMERICAN OVERSIGHT. (Wood, Hart) (Entered: 02/04/2019)
02/05/2019		MINUTE ORDER. Upon consideration of the parties' <u>10</u> Joint Status Report, it is ORDERED that the parties shall submit another joint status report on or before February 20, 2019. Signed by Judge Dabney L. Friedrich on February 5, 2019. (JK)

		(Entered: 02/05/2019)
02/05/2019	<u>11</u>	NOTICE of Appearance by Hart W. Wood on behalf of AMERICAN OVERSIGHT (Wood, Hart) (Entered: 02/05/2019)
02/21/2019	<u>12</u>	Joint STATUS REPORT by OFFICE OF MANAGEMENT AND BUDGET. (Wechsler, Peter) (Entered: 02/21/2019)
02/22/2019	<u>13</u>	RESPONSE re <u>12</u> Status Report filed by AMERICAN OVERSIGHT. (Cafasso, Cerissa) (Entered: 02/22/2019)
02/25/2019	<u>14</u>	RESPONSE to Plaintiff's Statement filed by OFFICE OF MANAGEMENT AND BUDGET. (Attachments: # <u>1</u> Exhibit plaintiff's statement)(Wechsler, Peter) (Entered: 02/25/2019)
02/25/2019	<u>15</u>	RESPONSE re <u>14</u> Response to Document filed by AMERICAN OVERSIGHT. (Attachments: # <u>1</u> Declaration Decl. of Cerissa Cafasso, # <u>2</u> Exhibit Exhibit 1 to Decl.)(Wood, Hart) (Entered: 02/25/2019)
03/04/2019		MINUTE ORDER. Upon review of the parties' recent filings, it appears that the parties did not confer about their proposed schedules for further proceedings. Accordingly, it is ORDERED that the parties shall confer and file a joint proposed schedule on or before March 15, 2019. If the parties remain unable to agree on a schedule, the Court will impose one. Signed by Judge Dabney L. Friedrich on March 4, 2019. (JK) (Entered: 03/04/2019)
03/15/2019	<u>16</u>	PROPOSED BRIEFING SCHEDULE by AMERICAN OVERSIGHT. (Wood, Hart) (Entered: 03/15/2019)
03/18/2019		MINUTE ORDER adopting the schedule in the parties' <u>16</u> Joint Proposed Schedule. The defendant shall file its motion for summary judgment on or before May 20, 2019; the plaintiff shall file its opposition and any cross-motion for summary judgment on or before June 21, 2019; the defendant shall file any reply and cross-opposition on or before July 12, 2019; and the plaintiff shall file any reply on or before July 26, 2019. Signed by Judge Dabney L. Friedrich on March 18, 2019. (lcldf2) (Entered: 03/18/2019)
03/18/2019		Set/Reset Deadlines/Hearings: Defendant's Summary Judgment motion due by 5/20/2019. Response to Motion for Summary Judgment due by 6/21/2019. Reply to Motion for Summary Judgment due by 7/12/2019. Plaintiff's Cross Motion due by 6/21/2019. Response to Cross Motion due by 7/12/2019. Reply to Cross Motion due by 7/26/2019. (zcdw) (Entered: 03/23/2019)
05/16/2019	<u>17</u>	Joint STATUS REPORT by OFFICE OF MANAGEMENT AND BUDGET. (Wechsler, Peter) (Entered: 05/16/2019)
05/17/2019		MINUTE ORDER. In light of the parties' <u>17</u> Joint Status Report, the Court adopts the parties' jointly proposed briefing schedule. The defendant shall file its motion for summary judgment on or before May 28, 2019; the plaintiff shall file its opposition and any cross-motion for summary judgment on or before June 28, 2019; the defendant shall file any reply and cross-opposition on or before July 19, 2019; and the plaintiff shall file any reply on or before August 2, 2019. Signed by Judge Dabney L. Friedrich on May 17, 2019. (lcldf3) (Entered: 05/17/2019)
05/17/2019		Set/Reset Deadlines: Summary Judgment motions due by 5/28/2019. Cross Motions due by 6/28/2019. Response to Motion for Summary Judgment due by 6/28/2019. Response to Cross Motions due by 7/19/2019. Reply to Motion for Summary Judgment due by 7/19/2019. Reply to Cross Motions due by 8/12/2019. (zcal) (Entered: 05/17/2019)
05/28/2019	<u>18</u>	MOTION for Summary Judgment by OFFICE OF MANAGEMENT AND BUDGET (Attachments: # <u>1</u> Memorandum in Support, # <u>2</u> Declaration of Heather Walsh, # <u>3</u> Statement of Facts, # <u>4</u> Text of Proposed Order)(Wechsler, Peter) (Entered: 05/28/2019)
06/28/2019	<u>19</u>	Cross MOTION for Summary Judgment and Opposition to Defendant's Motion for Summary Judgment by AMERICAN OVERSIGHT (Attachments: # <u>1</u> Memorandum in Support of Plaintiff's Cross-Motion for Summary Judgment and in Opposition to

		Defendant's Motion for Summary Judgment, # <u>2</u> Text of Proposed Order, # <u>3</u> Declaration of Hart Wood in Support of Plaintiff's Cross-Motion for Summary Judgment and in Opposition to Defendant's Motion for Summary Judgment, # <u>4</u> Plaintiff's Statement of Material Facts)(Wood, Hart) (Entered: 06/28/2019)
06/28/2019	<u>20</u>	Memorandum in opposition to re <u>18</u> MOTION for Summary Judgment filed by AMERICAN OVERSIGHT. (See Docket Entry <u>19</u> to view document). (znmw) (Entered: 07/01/2019)
07/19/2019	<u>21</u>	Memorandum in opposition to re <u>19</u> Cross MOTION for Summary Judgment <i>and Opposition to Defendant's Motion for Summary Judgment</i> filed by OFFICE OF MANAGEMENT AND BUDGET. (Attachments: # <u>1</u> Declaration second of Heather Walsh, # <u>2</u> Statement of Facts response to plaintiff's statement of facts)(Wechsler, Peter) (Entered: 07/19/2019)
07/19/2019	<u>22</u>	REPLY to opposition to motion re <u>18</u> MOTION for Summary Judgment filed by OFFICE OF MANAGEMENT AND BUDGET. (Attachments: # <u>1</u> Declaration second of Heather Walsh)(Wechsler, Peter) (Entered: 07/19/2019)
08/02/2019	<u>23</u>	REPLY to opposition to motion re <u>19</u> Cross MOTION for Summary Judgment <i>and Opposition to Defendant's Motion for Summary Judgment</i> filed by AMERICAN OVERSIGHT. (Wood, Hart) (Entered: 08/02/2019)
10/22/2019	<u>24</u>	WITHDRAWN PURSUANT TO <u>25</u> NOTICE OF WITHDRAWAL.....Cross MOTION for Summary Judgment <i>and Opposition to Defendant's Motion for Summary Judgment</i> by AMERICAN OVERSIGHT (Attachments: # <u>1</u> Memorandum in Support of Plaintiff's Cross-Motion for Summary Judgment and in Opposition to Defendant's Motion for Summary Judgment, # <u>2</u> Text of Proposed Order, # <u>3</u> Declaration of Hart Wood in Support of Plaintiff's Cross-Motion for Summary Judgment and in Opposition to Defendant's Motion for Summary Judgment, # <u>4</u> Statement of Facts)(Wood, Hart) Modified on 10/23/2019 (jf). (Entered: 10/22/2019)
10/23/2019	<u>25</u>	NOTICE OF WITHDRAWAL OF MOTION by AMERICAN OVERSIGHT re <u>24</u> Cross MOTION for Summary Judgment <i>and Opposition to Defendant's Motion for Summary Judgment</i> (Wood, Hart) (Entered: 10/23/2019)
10/23/2019	<u>26</u>	NOTICE OF WITHDRAWAL OF APPEARANCE as to AMERICAN OVERSIGHT. Attorney Cerissa Cafasso terminated. (Cafasso, Cerissa) (Entered: 10/23/2019)
03/23/2020	<u>27</u>	NOTICE OF SUBSTITUTION OF COUNSEL by Martin M. Tomlinson on behalf of All Defendants Substituting for attorney Peter T. Wechsler (Tomlinson, Martin) (Entered: 03/23/2020)
03/31/2020	<u>28</u>	MEMORANDUM OPINION AND ORDER granting in part and denying in part the defendant's <u>18</u> Motion for Summary Judgment, denying without prejudice the plaintiff's <u>19</u> Cross-Motion for Summary Judgment. See text for details. Signed by Judge Dabney L. Friedrich on March 31, 2020. (lcldf2) (Entered: 03/31/2020)
03/31/2020		Set/Reset Deadlines: Defendant's Supplemental Memorandum due by 6/1/2020. (zjch) (Entered: 04/01/2020)
05/21/2020	<u>29</u>	Consent MOTION for Extension of Time to <i>Supplement the Record</i> by OFFICE OF MANAGEMENT AND BUDGET (Attachments: # <u>1</u> Text of Proposed Order)(Tomlinson, Martin) (Entered: 05/21/2020)
05/22/2020		MINUTE ORDER granting the defendant's <u>29</u> Consent Motion to Extend its production deadline. Accordingly, the defendant shall supplement the record and, if warranted, release any additional records on or before July 1, 2020. So Ordered by Judge Dabney L. Friedrich on May 22, 2020. (lcldf3) (Entered: 05/22/2020)
07/01/2020	<u>30</u>	Joint MOTION to Vacate <i>Deadline and Set Production Schedule</i> by OFFICE OF MANAGEMENT AND BUDGET (Tomlinson, Martin) (Entered: 07/01/2020)